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**MARYLAND SQUARE SHOPPING CENTER,
LLC, THE HERMAN KISHNER TRUST
D/B/A MARYLAND SQUARE SHOPPING
CENTER, IRWIN KISHNER, JERRY ENGEL,
and PREMIER TRUST, as Trustees for
THE HERMAN KISHNER TRUST**

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

PETER J. VOGGENTHALER; *et. al.*,

Plaintiffs,

vs.

MARYLAND SQUARE, LLC; *et. al.*,

Defendants.

Case No.: 2:08-cv-1618-RCJ-(GWF)

Consolidated with:

Case No.: 3:09-cv-231-RCJ-(GWF)

**KISHNER DEFENDANTS' MOTION TO FILE
DOCUMENTS, UNDER SEAL**

RELATED CROSS & THIRD PARTY CLAIMS

**STATE OF NEVADA, DEPT. OF
CONSERVATION AND NATURAL
RESOURCES, *et. al.*,**

Plaintiffs,

vs.

**MARYLAND SQUARE SHOPPING CENTER,
LLC, *et. al.*,**

Defendants.

Defendants **MARYLAND SQUARE SHOPPING CENTER, LLC, THE HERMAN KISHNER
TRUST D/B/A MARYLAND SQUARE SHOPPING CENTER, IRWIN KISHNER, JERRY ENGEL, and
PREMIER TRUST, as Trustees for THE HERMAN KISHNER TRUST ("Kishner Defendants"), by**

1 their counsel of record, Steven J. Parsons of LAW OFFICES OF STEVEN J. PARSONS, hereby move
2 the Court for an Order permitting the filing of certain, confidential and proprietary agreements
3 between the Kushner Defendants, the Shapiro Defendants and the non-party insurance carriers
4 of Defendants.

5 On October 9, 2014, the Court entered an Order setting a further Status
6 Conference/Pre-Trial Conference on November 26, 2014 at 10:00 am in Las Vegas, before
7 Judge Robert C. Jones. (#1063)

8 In completing one of the objectives of the October 9th status conference, Kushner
9 Defendants report that each and all of the Settlement Agreements ("Agreements") between
10 the Kushner Defendants, the Shapiro Defendants and those parties' insurance carriers have
11 now been finalized and fully executed by all of the parties.

12 In a contemporaneously filed Status Report, (Doc. #1066) Kushner Defendants
13 respectfully asked the Court to consider taking-off calendar the November 26, 2014 Status
14 Conference/Pre-Trial Conference.

15 The Agreements are by their express terms confidential as each contain certain
16 proprietary information of the parties. The Agreements are not within the universe of public
17 documents. Moreover, certain of the insurance carrier-parties to the Agreements have insisted
18 on the secrecy and non-disclosure to the other insurance carriers of the Agreements and the
19 sums to be paid and other terms of the Agreements. Each of the Agreements provide for the
20 disclosure of the Agreements as may be required by law. In addition, in advance of this Status
21 Report, Kushner Defendants polled each of the parties to the Agreements, and approvals of
22 disclosure of the Agreements to this Court was without exception or objection by the parties
23 to the Agreement, so long as the Agreements can be filed *under seal*.

24 Therefore, the parties hereby seek jointly to have the Court issue an Order allowing
25 Kushner Defendants to file *under seal*, within this matter, the various Agreements between the
26 insurance carriers, the Kushner Defendants, and the Shapiro Defendants.

27 Upon the Court's entry of its Order permitting the Agreements to be filed *under seal* with

1 the Court, Kishner Defendants will file *under seal*/the Agreements for the Court's consideration.

2 Upon review of the Agreements, if the Court's concerns have been satisfied regarding
3 the settlements and the Court's ongoing enforcement of the injunction, Kishner Defendants
4 respectfully seek the Court's entry of an Order vacating the further Status Check, set for
5 Wednesday, November 26, 2014.

6 Dated: Thursday, November 6, 2014.

7 LAW OFFICES OF STEVEN J. PARSONS

8 /s/ Steven J. Parsons
9 STEVEN J. PARSONS
Nevada Bar No. 363

10 Attorneys for Defendants
11 MARYLAND SQUARE SHOPPING CENTER, LLC,
12 THE HERMAN KISHNER TRUST D/B/A MARYLAND
13 SQUARE SHOPPING CENTER, IRWIN KISHNER,
JERRY ENGEL, and PREMIER TRUST, as Trustees
for THE HERMAN KISHNER TRUST

14 **ORDER**

15 Upon the Court's consideration of the forgoing Kishner Defendants' motion that the
16 Court enter an Order permitting Kishner Defendants to file the Settlement Agreements *under*
17 *seal*/by and with Kishner Defendants and Shapiro Defendants and their insurance carriers, and
18 for good cause set forth,

19 **IT IS SO ORDERED** that the Agreements may be filed with the Clerk of the Court, under
20 seal.

21 Dated: November 6, 2014.

22 
23 U.S. DISTRICT/MAGISTRATE JUDGE
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